

Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~
~~CITY~~
~~TOWN~~
~~VILLAGE~~

of ... Duaneburg
Local Law No. 2 of the year 19 89

A local law Establishing a Mandatory Recycling Program in the Town of Duaneburg.
(insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~
~~TOWN~~
~~VILLAGE~~ of ... Duaneburg as follows:

SECTION 1 TITLE

This local law shall be known as the Mandatory Recycling Law of the Town of Duaneburg.

SECTION 2 PURPOSE

The Town Board acknowledges that the cost of solid waste disposal is rapidly increasing while at the same time solid waste disposal is limited in the town and within the region. By establishing a mandatory program of recycling by separating newspaper, plastic and other items, as determined by the Town Board, from garbage and trash, the life of existing disposal facilities will be extended by reducing the amount of solid waste to be disposed of, and, in turn will reduce the overall cost of solid waste disposal.

SECTION 3 PROGRAM ESTABLISHED

A program generated within the Town of Duaneburg for the mandatory separation of recyclables from garbage and trash to be disposed of within the Town of Duaneburg is hereby established. All persons who utilize the Town Landfill and/or any transfer station established in the future for the disposal of their garbage and trash shall separate therefrom all designated recyclables and other items, as determined by the Town Board, before disposing of any garbage or trash in the landfill or at any transfer station.

SECTION 4 DEFINITIONS

A. The term garbage as used in this local law shall mean putrescible fruit, animal, fish, fowl or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

B. The term plastic as used in this local law shall mean all containers made from high density polyethylene, including but not limited to, bottles having contained the following types of liquid: milk, juice, water, soap, bleach, detergent, oil, anti-freeze, beverages and window washing fluid.

C. The term newspapers as used in this local law shall mean a paper product printed on newsprint, including all newspaper advertisements and comics. Not included in this definition are magazines, telephone books, or other advertising material printed on glossy or slick papers, whether enclosed with the newspaper or not.

D. The term recyclable materials as used in this local law shall mean news-paper and plastic and other items as determined by the Town Board.

(If additional space is needed, please attach sheets of the same size as this and number each)

F. The term zoning enforcement officer as used in this Local Law shall mean the Town of Duanesburg Code Enforcement Officer , (Building Inspector).

G. The term person as used in this Local Law shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

H. The term solid waste as used in this Local Law shall mean materials or substances discharged or rejected as being spent, useless, worthless or in excess of the owner at the time of such discard or rejection, except sewage and other highly diluted water carried materials or substances, and those in gaseous form. Such waste shall include, but are not limited to garbage, sludge, rubbish, ashes, incinerator, residue, street cleanings, dead animals, ofal, abandoned vehicles, agricultural waste and construction and demolition, debris and yard waste.

I. The term solid waste service as used in this Local Law shall mean the handling, removal, storage or disposal of solid waste on or from sites within the Town, not owned by the person placing, or removing the containers and transporting solid wastes from or to any of the locations within the Town.

J. The term Town Board as used in this Local Law shall mean the Town Board of the Town Board of the Town of Duanesburg.

SECTION 5 SEPARATION AND DISPOSAL OF RECYCLABLES

All residents who use the Town Landfill or any transfer station shall, prior to using the facility, separate from their garbage and trash all recyclables. All categories of recyclable material, as defined in this law, shall be disposed of in separate containers that shall be made available at the landfill or any transfer station designated by the Town Board. Once deposited in the containers provided, all recyclable materials become the property of the Town of Duanesburg.

SECTION 6 RECYCLABLES

A. Effective immediately it shall be the responsibility of all residents of the Town of Duanesburg to separate newspapers and plastics from all residential solid waste and place them for collection or delivered to the Town recycling point as prescribed by the Town Board.

1. It shall be unlawful for a person to collect from a resident and disposal of solid waste which consists of recyclables combined with other forms of solid waste.

2. Ownership of recyclables set out for collection shall thereupon vest in town. It shall be unlawful for any person, other than the person under permit with the town to collect, remove or dispose of recyclables which are the property of the Town.

3. The Town Board ~~or~~ its permitted waste haulers is empowered to designate the day of the week on which recyclables shall be collected or removed from any area except on the day of the week designated by the Town Board or the permitted waste hauler.

SECTION 7 PRESENT AND FUTURE RECYCLABLES

Provided however, that in order to effect an orderly implementation of this Local Law, taking into account the present and future market conditions, availability of containers and other equipment and other factors as may bear on the effectiveness of this Local Law, the Town Board is hereby empowered to phase-in or phase-out the application of this Local Law to recyclable materials by public notice published in a newspaper of general circulation within the Town no less than sixty days prior to the date of application of this paragraph to any other recyclable material.

SECTION 8 ANTI SCAVENGING

No person shall take or remove any recyclable material from the Town of Duanesburg Landfill or any transfer station unless authorized to do so by the Town Board.

SECTION 9 RULES AND REGULATIONS

The governing body of the Town of Duanesburg may from time to time by, resolution, after public hearing, promulgate rules and regulations and make any amendments thereto consistent with the provisions of this Local Law in order to effectuate the purpose hereof.

SECTION 10 ENFORCEMENT

The Town Code Enforcement Officer shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this chapter.

SECTION 11 PENALTIES FOR OFFENSES

A. Any person engaged in the business of collecting solid waste or rendering solid waste services, who is not permitted by the Town, or who shall violate Section 5 of this Local Law or who shall knowingly assist therein, shall be guilty of a violation, punishable by a fine of not less than Two Hundred Dollars (\$200.00) and not exceeding the sum of One Thousand Dollars (\$1,000.00), or by imprisonment for a term not exceeding thirty (30) days or both. Each day such violation occurs or continues shall constitute a separate offense.

B. Any person, firm or corporation who shall violate Section 5 and 6 of this Local Law or who shall knowingly assist therein shall be subject to the following punishment:

1. Upon the first offense, the refuse shall be refused at the collection site and shall be marked with a sticker indicating "MANDATORY RECYCLING Your refuse was not collected today because recyclables were mixed in. Your refuse will be collected on your next regular refuse day, once the recyclables have been removed. FAILURE TO COMPLY WILL RESULT IN A SUMMONS, Town of Duanesburg Local Law No. 2, 1989."
2. For a second offense within thirty (30) days, by a fine of not less than Twenty-five Dollars(\$25.00) nor more than Fifty Dollars (\$50.00) or day of community service. In addition, the refuse will not be collected.
3. For a third offense within ninety (90) days, by a fine of not less than Fifty Dollars (\$50.00) nor more than Seventy five Dollars (\$75.00) or two days of community service. In addition, the refuse will not be collected.

SECTION 12 SEVERABILITY

If any term, part, provision, section, subdivision or paragraph of this Local Law shall be held unconstitutional or ineffective, in whole or in part, then to the extent that it's not unconstitutional or defective this Local Law and such term, part, provision, section, subdivision or paragraph thereof shall be in full force and effect, and such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions, or paragraphs thereof.

SECTION 13 REPEALER

All ordinances or parts of ordinance inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

SECTION 14 DONATIONS

Anything herein to the contrary notwithstanding, any resident of the Town may donate or sell recyclables to any person, partnership, business, corporation or other entity, whether operating for profit or not for profit.

SECTION 15 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State.

Be it enacted this 19th day of October, 1989 by the Town Board of the Town of Duanesburg of Schenectady County, New York to be effective immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.2.... of 19.89....
~~XXXX~~
~~XXXX~~ of ... Duaneburg. was duly passed by the . Town Board, of the Town of Duaneburg
~~XXXX~~ (Name of Legislative Body)
on ..Oct..19..... 1989. in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer*
repassed after disapproval
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer*
repassed after disapproval
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
general
thereon at the special election held on 19, in accordance with the applicable
annual
provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer*
repassed after disapproval
on 19 Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of 19
in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ...2..... of 19.89.... of the City of having been submitted to referendum pursuant to the provisions of ~~§36~~ ^{§37} of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Dea M. Denver
Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: Nov. 28, 1989

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Schenectady

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Donald H. Schmitt
Signature
..... Town Attorney.....
Title

Date: December 4, 1989
County City of Duaneburg
Town
X Marks